

**Notice of Allowability**

Application No.

10/714,416

Examiner

Sam Rizk

Applicant(s)

HAMMONS, A. ROGER

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/10/2007.
2. ☒ The allowed claim(s) is/are 1-8, 12-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



**GUY LAMARRE  
PRIMARY EXAMINER**

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### **DETAILED ACTION**

- Response to the applicant's amendment dated 4/10/2007
- Claims 1-22 have been submitted for examination
- Claims 9-11 have been cancelled
- Claims 1-8 and 12-22 have been allowed

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record attached to this office. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

1. Authorization for this examiner's amendment was given in a telephone interview with attorney Darren E. Wolf, Phone number (412) 392-5681 on 6/22/2007.
2. Cancel claims 9-11. In regard to claim 9, "a code" is a nonstatutory under section USC 101.

### ***Response to Arguments***

3. Applicant's arguments see pages 9-12, filed on 4/10/2007, with respect to claims 1,3,6,9,12, and 17 have been fully considered and are persuasive. The rejections of claims 1-22 under section USC 102(e) have been withdrawn.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

4. The prior Art of record and, in particular Zhang et al. US publication no. 2003/0171934 (Hereinafter Zhang) do not teach, suggest, or otherwise render obvious the limitation in claim 1 that:  
  
A method for encoding information symbols comprising: loading information symbols into a data array with  $n^{(1)}$  rows and  $n^{(2)}$  columns, wherein each column has  $k_i^{(1)}$  information symbols, and wherein  $k^{(1)}$  is an array that has at least two different values;  
  
encoding each column with a code  $C_i^{(1)}$  from a family of nested codes  $C^{(1)}$ , wherein  $C^{(1)}$  includes two different nested codes; and  
  
encoding each row with a code  $C^{(2)}$ .
5. Claim 2 depends from claim 1.
6. Claims 3, 6, 12 and 17 have similar language as in claim 1.
7. Claims 4-5 depend from claim 3.
8. Claims 7-8 depend from claim 6.
9. Claims 13-16 depend from claim 12.
10. Claims 18-22 depend from claim 17.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax

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phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

Sam Rizk,

Examiner

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*[Handwritten signature]*  
6/22/07

*[Handwritten signature]*  
**GUY LAMARRE**  
**PRIMARY EXAMINER**